

[Doc. No. 194]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

JANINE COSTANTINO,

Plaintiff,

v.

CITY OF ATLANTIC CITY, et al.,

Defendants.

Civil No. 13-6667 (RBK/JS)

O R D E R

This matter is before the Court on plaintiff's Motion to Compel Discovery directed to the Atlantic City Prosecutor's Office ("ACPO") [Doc. No. 194]; and the Court having received ACPO's response [Doc. No. 201] and plaintiff's reply [Doc. No. 203]; and the Court having held oral argument on March 15, 2016; and this Order intending to confirm the Court's rulings; and for all the reasons stated on the record,

IT IS HEREBY ORDERED this 18th day of March, 2016, that plaintiff's motion is GRANTED in part and DENIED in part; and it is further ORDERED as follows:¹

1. The ACPO shall produce all documents to support its contention, if made, that the ACPO did a thorough and complete review of Sterling Wheaten's Internal Affairs ("IA") files;

¹ All references to documents shall include electronically stored information.

2. The ACPO shall produce all documents concerning Janine Costantino's IA file. Plaintiff shall provide the ACPO with the relevant file number by March 22, 2016;

3. The ACPO shall produce all IA PRO notes regarding Sterling Wheaten's IA files. Plaintiff shall provide the ACPO with the file numbers of Wheaten's IA files by March 22, 2016; and

4. The ACPO shall produce all pre-December 31, 2013 documents regarding Sterling Wheaten's trigger of the Early Warning System; and it is further

ORDERED that the foregoing documents shall be produced by April 15, 2016; and it is further

ORDERED as follows with regard to the 826 pages the ACPO claims are protected from discovery by the law enforcement and deliberative process privileges:

1. Bates Nos. 1-19 - These pages are irrelevant and do not have to be produced.

2. Bates Nos. 20-24 - These pages are privileged and do not have to be produced.

3. Bates Nos. 25-27 - These pages are privileged and do not have to be produced.

4. Bates Nos. 28-31 - These pages are privileged and do not have to be produced.

5. Bates Nos. 32-59 (through Recommendations Section) - These pages are relevant and not privileged and shall be produced.

6. Bates Nos. 59-63 - These pages are privileged and do not have to be produced.

7. Bates Nos. 64-826 - These pages are relevant and not privileged and shall be produced; and it is further

ORDERED that the foregoing pages shall be produced by March 31, 2016.²

s/Joel Schneider
JOEL SCHNEIDER
United States Magistrate Judge

² The Court is not keeping a copy of the documents it reviewed in camera.